

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

SUMMARY SUIT NO.644 OF 2006

Vina Gopal Rathi
Proprietress of M/s. Rahul
Agro Input Industries,
through its Constituted Attorney
Vyloor Pisharath Raghunathan

..Plaintiff.

Vs.

Pravin L. Zavare

..Defendant.

....

Ms. Malika Ingale for the Plaintiff.
None for the Defendant.

....

CORAM: DR. D.Y. CHANDRACHUD, J.

12th June, 2007.

P.C. :

The Suit under Order 37 of Code of Civil Procedure, 1908 is based on goods sold, supplied and delivered by the Plaintiff to the Defendant. The invoices are annexed at Exhibits B-1 and C-1 to the Plaintiff, the lorry receipts are at Exhibits B-2 and C-2 and the delivery challans are annexed at Exhibits B-3 and C-3. The Defendant has been served with the writ of summons and an affidavit of service has been filed. The Defendant has not entered appearance despite

service. Counsel appearing for the Plaintiff has tendered the original documents.

The claim of the Plaintiff stands duly proved on the basis of the documents on the record. The claim falls within the purview of Order 37 in inasmuch it is based on a written contract between the parties. In any event the Defendant having failed to enter appearance despite service of the writ of summons, the Plaintiff is entitled to a decree as provided in Order 37. The Suit is accordingly decreed as prayed, save with the modification that the Plaintiff will be entitled to interest at the rate of 9% per annum on the principal sum of Rs.87,810/- from the date of the institution of the Suit until payment or realization.

Refund of Court fees, if any, as per rules.